

# Criminal Law Pedagogy: Making Things Clear

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In the fall of 2011, I decided to revamp the way I had been teaching Criminal Law. Until that semester, I had always used a soft Socratic method of teaching. I would ask the students a lot of questions about the cases I had assigned and try to help them learn the relevant doctrine through the process of questions and discussion. I would encourage volunteers and engage the class in prolonged discussions about the rationales and policy implications of various doctrines. I did very little lecturing. My style of teaching was quite popular at a prior law school, where I began my law teaching career. My student evaluations were consistently positive and I received the Professor of the Year award in my third year of teaching. My style of teaching, however, was met with mixed reviews at my present law school. While I fared quite well when I taught Criminal Procedure, Adjudicatory Criminal Procedure, and even Professional Responsibility, I struggled with less-than-stellar teaching evaluations in Criminal Law. This was particularly frustrating because Criminal Law was the subject where I had focused much of my scholarship. Year after year, I spoke with many of my colleagues about ways to improve my teaching evaluations. My evaluations would go up and then they would go down. Nothing I did, however, seemed to help long-term.

Conversations with two senior colleagues, and looking at a successful Criminal Law professor's syllabus helped me to come up with a simple change that has made a world of difference. One of my colleagues, who is loved by our students and consistently receives extremely positive student evaluations, told me, "If you clarify the doctrine for the students up front, they will be happy to engage in the more ambiguous policy discussions later." He explained, "If the doctrine is not clear, the students will be struggling to figure out the doctrine and they will resent any discussion that makes the doctrine even less clear." Another colleague, also loved by our students, told me to remember that the students are extremely concerned about competence. When a student raises his or her hand at the end of the great policy discussion and asks, "So what's the answer?" that student is concerned about his competence. The student may feel that if he or she does not have a good handle on what the doctrine requires, then she will not be able to analyze future similar problems. I also reviewed my Criminal Law casebook co-author's Criminal Law syllabus and saw that she allows her students to use their laptops during the first five to ten minutes of class when she is lecturing, then asks

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them to close or turn off their laptops during the ensuing discussion. The light bulb went off. I would give my students a brief overview of the doctrine—a roadmap so to speak—at the beginning of each class, then use the cases and hypotheticals to discuss the contours of that doctrine. I also decided to focus on making sure the students were understanding key concepts each class rather than worrying so much about my classroom performance. These simple changes worked wonders. As my more senior colleague predicted, once I focused on clarifying the contours of the doctrine and making sure the students understood the basics, my students were happy to engage in the policy discussions I led. I am pleased to report that for two years in a row, my Criminal Law students seem to like my new approach to teaching very much, and I am much happier as well.